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30 MAY 1973

CIA COMMENTS ON THE DRAFT
NATIONAL SECURITY COMMUNICATIONS PROTECTION COMMITTEE DIRECTIVE
(NSCPC)

1. (U) Decision-making and Policy-making: As constituted in the draft, the NSCPC is an advisory body only with final decision and policy-making responsibility vested in the Executive Agent for COMSEC. It is CIA's contention that National Communications Security objectives, policies and implementing procedures as well as the major decisions related to those subjects should reflect the position of a majority of NSCPC members as determined by a vote of the full membership. Such a procedure ensures equal representation for each member department or agency. The former United States Communications Security Board (USCSB) demonstrated the efficacy of the voting process and that process should be carried over to the NSCPC.

2. (C) Protection of Intelligence Sources and Methods: Under former USCSB policies, most proposals to release COMSEC information or material to foreign government, international organizations and U.S. contractors required prior disclosure to the USCSB for its review and approval. However, to protect intelligence sources and methods, CIA was exempted from making such disclosures for communications conducted in the performance of functions described in the National Security Council's Intelligence Directive No. 5. Since the CIA exemption was contained in the 1963 NSC Communications Security Directive which was cancelled by Presidential Directive/NSC-24, it is necessary that the same very limited exemption be reinstated for all policies flowing from the NSCPC. Accordingly, a final paragraph should be added to the directive to read: "The communications conducted by the Central Intelligence Agency in the performance of functions described in NSCID No. 5 are specifically exempted from this Directive."

3. (C) Reissuance of USCSB 14-2: Apropos of paragraph 2 above, the Agency recommends that the NSCPC reissue USCSB 14-2 (National Policy and Procedures Governing the Disclosure or Release of Communications Security Information to Foreign Governments and International Organizations). A regularized release procedure with a provision for prior review and approval by the Director of Central Intelligence (DCI) is essential to the protection of intelligence equities.

4. (U) Classification: It is recommended that the directive be reclassified Confidential.

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Approved For Release 2005/12/14 : CIA-RDP87B01034R000700050002-2

5. (S) Recommended Textual Changes:

a. Preamble, 9th line: It is recommended that the words "... the COMSEC ..." be substituted for the words "... these security"

REASON: The NSCPC is concerned specifically with communications security, not with the broader field of security in general.

b. Preamble, 2nd paragraph: It is recommended that this paragraph be changed to read:

"For purposes of this directive, communications security is concerned with protective measures designed for the security of classified information and other information related to national security when such information is handled in teleprocessing systems, including the control of compromising emanations from teleprocessing systems (emission security) and all other information processing systems (emanations security)."

REASON: By cleaving to the exact language of PD/NSC-24, in the beginning of the sentence, the reference to "telecommunications" - which distinguishes COMSEC from the broader field of security - is made only in connection with compromising emanations. The language suggested above will reflect the true concern of communications security with more precision.

c. Paragraph 1.d.(7): It is requested that this paragraph be changed to read: "Approve, in consultation with the Director of Central Intelligence, the disclosure or release"

REASON: This change acknowledges the DCI's responsibilities in the matters of disclosure and release.

d. Paragraph 1.g, h, and i: Paragraphs g and h should be replaced as indicated below, paragraph i should be deleted and subsequent paragraphs redesignated accordingly:

"g. The Committee shall reach decisions by majority vote. The Director, National Security Agency shall have no vote in matters involving appeals from his own decision. In the event that the Committee votes and reaches a decision, any dissenting member of the

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Committee may appeal from such decision. Such appeal must be made within 15 days to the Special Subcommittee. In the event that the Committee votes and fails to reach a decision, any member of the Committee may appeal to the Special Subcommittee and such appeal must be made within 15 days of the inconclusive vote. In either event, the Special Subcommittee shall review the vote and its determination thereon shall be final."

"h. No action shall be taken with respect to any matter forming the subject of an appeal until the appeal is decided; provided that, if the Secretary of Defense determines, after consultation with the Secretary of State (and the heads of other executive departments and independent agencies as appropriate), that the subject matter presents a problem of an emergency nature and requires immediate action, his decision shall govern, pending the result of the appeal."

REASON: As indicated in paragraph 1 above, it is the CIA position that each Committee member shall have an equal voice in the formulation of policy and in the decision-making process.

e. Paragraph 2.f: Change to read: "With the concurrence of the heads of government departments and agencies, assigning specific COMSEC tasks relative to the protection of national security information.

REASON: Efficient resource management demands that a department or agency head have the opportunity to assess the impact of any tasking proposed by an element which is external to his or her department or agency. Further, within the context of this directive the Executive Agency's tasking authority should be specified as being limited to COMSEC matters only.

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